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7 IN THE UNITED STATES DISTRICT COURT

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9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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11 ADOBE SYSTEMS INCORPORATED,

No. C 09-01083 CRB

12 Plaintiff,

**ORDER RE: LETTER FROM
DEFENDANT**

13 v.

14 ARSANY ZAKI,

15 Defendant.

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17 The Court is in receipt of a letter from Defendant Arsany Zaki requesting to appear by
18 telephone at the September 25, 2009 case management conference, and also requesting that
19 he be provided with a “public defender to represent [him] on this case because [he] can’t
20 afford [an] attorney.” The Court GRANTS Defendant’s request to appear by telephone and
21 DENIES his request for counsel. There is no constitutional right to counsel in a civil case
22 unless an indigent litigant may lose his physical liberty if he loses the litigation. See Lassiter
23 v. Dep’t of Social Servs., 452 U.S. 18, 25 (1981); Rand v. Rowland, 113 F.3d 1520, 1525
24 (9th Cir. 1997), reh’g en banc on other grounds, 154 F.3d 952 (9th Cir. 1998). Defendant
25 has not demonstrated that he is indigent or at risk of losing his physical liberty.

26 Additionally, Defendant alleges in his letter that he has “has never been served” by the
27 Plaintiff, but has only received information from the court. The Court notes that this
28 representation runs counter to Plaintiff’s certificate of service, filed with the Court on June

1 16, 2009, which states that Defendant was served by personal service on June 10, 2009.

2 **IT IS SO ORDERED.**

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4 Dated: September 16, 2009
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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE